

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

Groupon, Inc.)
)
Plaintiff,)
)
v.) Case No. 21-cv-06082
)
Sung Shin,) Honorable Judge Charles P. Kocoras
)
Defendant.)

**PLAINTIFF Groupon, INC.’S MOTION FOR LEAVE TO SEAL PORTIONS OF ITS
MOTION FOR PRELIMINARY INJUNCTION**

Plaintiff Groupon Inc. respectfully moves for an Order sealing certain portions of its Motion for Preliminary Injunction, and states the following in support thereof:

1. On November 12, 2021, Plaintiff filed its Complaint and Emergency Motion for Temporary Restraining Order against Defendant Sung Shin to immediately enjoin him from violating his contractual obligations to Plaintiff and from misappropriating Plaintiff’s trade secret information. (Dkt. Nos. 1, 4.)
2. On November 16, 2021, the Court granted Plaintiff’s Emergency Motion for Temporary Restraining Order, and then extended the Temporary Restraining Order to December 14, 2021 following a telephonic hearing. (Dkt. Nos. 11, 27).
3. On December 2, 2021, the Court entered the Parties’ Agreed Confidentiality Order, which allows the Parties to designate certain material as “CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER” and “CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER – ATTORNEYS’ EYES ONLY.”
4. In expedited discovery, the Parties produced documents designated as “CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER” and “CONFIDENTIAL –

SUBJECT TO PROTECTIVE ORDER – ATTORNEYS’ EYES ONLY” under the Agreed Confidentiality Order. In response to a subpoena duces tecum, Yelp Inc. also produced documents and designated certain documents as “CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER” and “CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER – ATTORNEYS’ EYES ONLY” under the Agreed Confidentiality Order.

5. On December 7, 2021, the Court entered an Order tentatively scheduling a hearing on the assumption Plaintiff would file a motion for preliminary injunction against Defendant Sung Shin prior to the December 14, 2021 hearing. (Dkt. No. 32.)

6. Plaintiff’s Motion for Preliminary Injunction, filed contemporaneous to this Motion, references and attaches certain of the Parties’, and non-party Yelp’s, documents designated “CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER” and “CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER – ATTORNEYS’ EYES ONLY”. The documents containing these designations are limited to four documents. These documents are Exhibits B, C, D, and E – the Deposition of Sung Shin, the Deposition of Simon Goodall, the Deposition of Vivek Patel, and an April 1, 2021 email from a Yelp employee, attached to the Motion for Preliminary Injunction.

7. These documents contain sensitive and confidential information pertaining to Plaintiff’s as well as Yelp’s business operations. Consistent with the Agreed Confidentiality Order, Plaintiff seeks to file its Motion for Preliminary Injunction removing these exhibits, and redacting those portions of the Motion for Preliminary Injunction referencing such confidential information. *See Jepson, Inc. v. Makita Elec. Works*, 30 F.3d 854, 861 n.3 (7th Cir. 1994) (granting Defendant’s motion to file a deposition under seal); *Sun Chenyan v. P’ships & Unincorporated Ass’ns Identified on Schedule “A”*, No. 20 C 221, 2021 WL 5002610, at *2

(N.D. Ill. Mar. 3, 2021) (granting Defendant's motion to file portions of its motion to dismiss under seal).

8. While the Agreed Confidentiality Order allows for the designation of such documents, the Parties are required to follow the Local Rules of this Court with respect to filing any designated documents or information under seal, pursuant to Local Rule 26.2. As such, Plaintiff requests an Order granting the sealing of certain portions of its Motion.

9. In addition, Plaintiff requests guidance from the Court as to the mechanics and protocol for introducing such documents as exhibits at the preliminary injunction hearing on December 14, 2021, as each Party, and non-party Yelp, has identified exhibits on their respective exhibit lists that are designated as "CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER" and "CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER – ATTORNEYS' EYES ONLY".

WHEREFORE, Plaintiff Groupon, Inc. respectfully requests this Court enter an Order sealing certain portions of its Motion for Preliminary Injunction.

Dated: December 13, 2021

Respectfully submitted,

/s/ Kevin M. Cloutier
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 13, 2021, a copy of the foregoing was filed with the Court's CM/ECF system, which will serve all counsel of record.

/s/ Kevin M. Cloutier

Kevin M. Cloutier